Comprehensive Fish and Wildlife Rules Enhancement Project
Response to Suggested Substantive Amendments
May 18, 2010

Suggested substantive amendments recommended for future rule amendment

1. Display of hunter orange on ground blinds
   This will be in the deer rule amendment package for preliminary adoption in July.

2. Comprehensive Deer Hunting License that addresses all weapons and all bag limits
   This will be addressed in a non-rule policy governing hunting licenses in July.

3. Allow crossbows to be used during the archery seasons by senior hunters age 65 and older.
   This will be in the deer rule amendment package for preliminary adoption in July.

Suggested substantive amendments recommended for additional review by the DNR's Division of Fish and Wildlife

1. Request to consider allowing the hunting of coyotes year-round on all public and private land.

Hunting seasons are typically set when animals that are hunted will cause compensatory, not additive, mortality to the population; in other words, the population will not be impacted significantly by being hunted. The hunting season for coyotes is already five (5) months long, and a season that is year-round will cause some pups to be left orphaned. Coyotes are raising young in the late spring and summer and if the parents are killed by hunters, more orphaned puppies are likely to be found, creating a situation in which the DNR or others would have to respond.

Coyotes can already be taken by landowners or those with written permission from a landowner at any time of year with firearms, traps, and snares without a special permit. This allows landowners to take care of problems at anytime. Individuals with a nuisance wild animal control permit (which is free of charge) can also take coyotes by any of these methods throughout the year to help deal with nuisance animals.

Lastly, coyotes that are taken outside the current hunting season would be of no value to those who take them. Coyote pelts and urine would not be of value during the late spring and summer months, creating a situation in which the harvested animals would be killed and not used as a source of food or other purpose, such as for urine or a pelt. Both coyote urine and pelts are not considered to be "prime" or of much value until the fall and winter months.

2. Consider limiting depredation permits to the taking of antlerless deer only

The Indiana Division of Fish and Wildlife is committed to managing the white-tailed deer resource for future generations - balancing ecological, recreational and economic benefits. Proper management of the deer resource requires the cooperative actions of the division and the citizens of Indiana to produce healthy deer in a healthy environment as an indefinitely renewable resource. Within the above constraints, the division is committed to maximizing the public's range of choices for both consumptive (hunting) and non-consumptive (viewing, photographing, aesthetic appreciation of presence) recreation.

The goal of the Division of Fish and Wildlife's deer management program is to maintain a healthy deer herd at a level that provides satisfactory hunting and viewing opportunities while

minimizing deer-vehicle accidents, agricultural crop damage, and other deer-human conflicts. Deer management in Indiana is a dynamic process of repeated surveys of farm operators, of deer hunters, and of the general public followed by adjustment of deer population levels to comply with the evolving desires of the residents.

As the statewide deer population expanded in the mid 1980's, the division observed that significant differences occurred in the quality of deer habitat even within single counties. The irregularity of the deer habitat was resulting in excessive deer damage to crops at some locations while other locations had no damage to agricultural crops and very few, if any, deer. Faced with the time and resource limitations of managing more than the 92 county-wide deer units and with excessive damage at localized locations, the division had to decide whether to manage counties at sufficiently low deer populations so that no excessive crop damage occurred anywhere (lower quality habitat would have no deer) or whether to manage populations at higher levels so that some deer were found in most habitats and respond via the deer damage control program to prevent excessive damage in the best habitats.

In response to public surveys, the division decided to manage the county-wide deer populations at levels where deer were present across most of the landscape. Managing for moderate deer populations required a response to localized areas of high deer populations and excessive crop damage by these deer. In 1987, the division initiated the deer damage control program under the authority of Indiana Code 14-22-28. Biologists do inspections of the damage done to crops and nursery stock, and advise landowners of their options to try to limit damage in addition to the issuance of a deer damage control permit. The deer damage control program is designed as an immediate response to the existence of very localized severe deer damage. If a landowner has $500 damage in one year, damage control permits allow the landowner to quickly reduce his/her local ongoing damage without causing the division to reduce the herd across the entire county. Since the program is designed to immediately reduce ongoing damage, deer of either sex may be taken on the permits. Landowners are advised that they may be able to reduce future crop damage by removing female deer during the regular deer hunting seasons but immediate reduction of ongoing crop damage may require the removal of antlered, as well as antlerless deer, during the current growing season. In some cases, immigration of deer to attractive habitat and attractive food sources (crops) may realistically prevent a long-term solution and require damage control every year. The choice of response is left up to the farm operator. Landowners are advised that doe removal during the summer may offend neighbors due to the possibility of creating orphan fawns (which may not survive) while buck removal may offend neighbors due to the reduction in buck harvest opportunities during the following hunting season. Farm operators with significant ongoing crop damage are not told that they must tolerate damage by bucks or by does when deer removal will help reduce the immediate damage. The decision as to the costs (neighbor dissatisfaction) vs. the benefits (damage reduction) is left up to the farm operator as he/she looks at the site-specific damage.

In the case of soybean damage, the removal of antlered deer (early in the growing season) may be more effective at immediately reducing damage than the removal of antlerless deer (after fawns are independent). In some locations, bucks appear to browse soybeans in early June prior to does coming to the fields later in the summer. Soybean yield, for a given amount of browsing, is most reduced when the browsing occurs early in the growing season. Thus the damage by an individual buck or a group of bucks may be more severe than similar damage by does later in the growing season. Additionally, since adult bucks form bachelor groups during the summer, some locations have been found where extensive damage was almost completely caused by bucks. Adult bucks generally are larger than adult does and individually will consume more forage, thus causing more damage than individual does.

The landowner must see that all harvested deer are buried, incinerated, donated, or used for human consumption. In order to emphasize that the damage control permits are designed to respond to damage and not to provide recreational hunting opportunity, the antlers must be removed from all antlered deer that are taken on a permit, and turned over to a District Biologist or to a Conservation Officer. Additionally, all deer taken must be reported to the District Biologist within 72 hours of the taking. Legal deer hunting equipment must be used, with the addition of certain rifles. Deer may be taken by designated shooters that are listed on the permit, and a report of all deer taken is required. These permits also expire prior to the start of the deer-hunting season.

If the division were to discontinue or significantly modify the deer damage control program as some suggest, the only viable way to address localized deer crop damage would be to reduce county-wide deer populations to the extent necessary to prevent severe crop damage from occurring anywhere. Just such a solution was suggested in the early 1990's by legislators who were not aware of the damage control program. In the early 1990's, the legislative environment became quite "anti-deer" as legislators heard from farm operators that statewide crop damage was too high. This public input culminated with a legislative bill introduced that called for a 3 month firearm season with a bag limit of 1 deer per day followed by a bill that called for a year-around season provided that the hunter have written permission from the landowner. When the deer damage control program was widely publicized to legislators and to farm operators, the legislative bills were withdrawn and demand for a major reduction in the statewide deer herd significantly declined.

<u>Talking points related to Deer Damage Control Permits</u>

Allowance of permits to harvest antlered deer

- Damage control permits are designed to assist the landowner or tenant minimize damage to crops while they are actively being grown; since antlered and antlerless deer both damage crops, the permits are issued for the removal of either sexed deer.

- In 2008, only 13% of deer removed on damage control permits were antlered males. The total of antlered deer removed on damage control permits that year was equivalent to 0.7% (seven tenths of one percent) of the statewide antlered harvest for that year.

- In the case of soybean plants, deer browse in the early stages of their growth will have more cumulative affects on crop yield than browse during later stages of growth. Observations have shown that bucks are the primary culprits for this early season browsing.

- Deer damage control permits are not issued to control local populations, but rather control specific individual deer that are causing damage at specific locations.

Allowance of permits to harvest pregnant or late term pregnant females

- Damage control permits are designed to assist the landowner or tenant to minimize the damage to an actively growing crop caused by deer herbivory; since antlered and antlerless deer both damage crops, the permits are issued for the removal of either sexed deer.

- Landowners and tenants who receive deer damage control permits are informed prior to permit issuance that the harvest of does during the early growing season may result in the death of late term fetuses or the orphaning of newborn fawns, a practice which may

be unacceptable to neighboring landowners and sportsmen. It is up to the landowner to weigh that concern against their financial losses and determine whether or not to utilize the permit.

- In 2008, nearly 2/3 of all permits were issued in June and July when fawns are born and dependent on their mothers.

Allowance of permits to use high powered center-fire rifles

- The deer damage control permits are not issued for recreational hunting, they are issued for the removal of deer that are damaging actively growing crops. To assist with this culling, the use of efficient weapons is needed.

- The use of center-fire rifles is allowed, though biologists prohibit their use or incorporate additional restrictions as a condition of the permit.

- To date, there have been no reported incidences due to the discharge of a center-fire rifle on a deer damage control permit. Under current hunting regulations, center-fire rifles can legally be used for hunting furbearers, squirrels, groundhogs and rabbits.

- The permittee is responsible for informing all designated shooters listed on the permit of any potential hazards or safety issues. Shooters are responsible for their actions.

Allowance of permits to bury or incinerate culled deer

- The option to bury or incinerate culled deer is one of several methods allowed on permits. Other options include consumption and donation.

- The Division of Fish and Wildlife states that consumption or donation are the preferred disposal methods for deer.

- In 2008, less than 25% of culled deer were reported as either buried or incinerated.

Allowance of permit not to require additional hunting pressure

- In 2008, of landowners and tenants who received permits on lands that could be hunted, 98% allowed hunting. All deer damage complainants are strongly encouraged to use hunting, especially the hunting of antlerless deer as a means to control deer populations in their area.

- Deer browsing problems encountered by landowners and tenants are often the result of land practices on adjacent properties, where the landowner or tenant has no control.

No correlation between acres farmed and minimum damage loss ($500 threshold)

- The $500 minimum limit only qualifies the landowner or tenant to receive a deer control permit. It is the biologist's discretion on how many deer are allowed to be removed on a permit. Their decision is based on total acres farmed, damaged observed, and several other variables.

Conclusion

- The deer damage control program was created in 1987 under Indiana Code 14-22-28 due to mounting pressures to reduce crop damage caused by a growing deer herd.

- All antlered deer with at least 7 points that are harvested on these permits must have their rack surrendered to a DNR authority.

- Damage control permits are not issued to control populations. They are issued as a means for landowners or tenants to protect their crops during the growing season.

- The total number of deer taken on damage control permits in 2008 was 2,777, which was equivalent to approximately 2.1% of the season harvest that year. For another comparison, most harvest models assume an 80% recovery rate, which means that in 2008, an estimated 30,000 deer were killed and not recovered by hunters, which is over 10 times the reported number of deer removed on deer damage control permits that year.

3. Request to explore moving the waterfowl season dates for Indiana's southern zones to later in the year.

This information addresses the South Zone (ducks), not the Ohio River Zone. This is because the Ohio River Zone, in most years, hunts as late as is legal under federal guidelines. In southern Indiana, only the dates in South Zone could be changed.

Federal regulations set the outside dates for all migratory bird hunting (the framework) through federal law. For ducks, this is usually the Saturday closest to 24 September through the last Sunday in January. The Indiana DNR cannot set any season dates later than that. If the U.S. Fish and Wildlife Service determines that waterfowl seasons within the flyway need to be more restrictive in the future, then the date range from which the DNR could select the season would be shortened by 14 days - 7 days from the front of the date range and 7 days from the end of the date range.

The seasons recommended each year are based on (1) the migration biology of ducks, (2) fairness to hunters across the state, and (3) hunter preferences. Usually, when we look at the big picture, the three mesh nicely. The seasons that are recommended are the best for the resource and for Indiana's hunters. Please find below specific points that are considered when recommending the seasons for the South Zone. These are not in order of importance, except the migration data, which is first and foremost in the season process.

The season dates are set based on duck migration over long-term averages. The 24 year mean shows that mallards start to arrive in large numbers in the South Zone in mid to late November, peak in early December, are stable through December, and drop off sharply in mid-January. This may not be true in every hunter's spot, but it's true at the Zone level, which is what the DNR must go by to allow for the most opportunity for the most hunters. The best time to hunt is when ducks are moving through, not when they're here to stay—those ducks learn the areas to avoid. Some hunters will have good hunts during this time, but most will not. In the South Zone, late seasons reduce opportunity, and confine it to those that live the furthest south and can afford the best hunting equipment (river-worthy boats, etc.). The seasons recommended are also supported by shorter term 3-, 5-, and 10-year migration averages. The timing of duck migration has not changed since this dataset began in 1985. Indiana's late split in the South Zone should actually be moved earlier by a week to take better advantage of mallard migration.

Shooting ducks in January is shooting northbound ducks. This is all additive mortality. This means that the later the season, the more birds are shot at that are headed north to breed—these are the ones that have already been shot at while headed south. This is especially true for pintails and mallards. This is not only a biological issue, but an ethical issue. Of the waterfowl

zones in the Mississippi Flyway that are similar in latitude to our South Zone, Indiana has the latest seasons, except for Ohio. Ohio goes a little later than Indiana, but they also have a longer early split, making their late split open later than Indaina's. Right now, our Ohio River Zone has the same duck season as Alabama, Tennessee, and Mississippi, and actually closes later than parts of Louisiana.

One method that is often suggested to get more late days in the South Zone is to shorten the early split. The South Zone is so long (geographically) that the northern part of it is usually frozen for the long split. The early split is usually the only season they get—if this is shortened to three days, those hunters have a three day duck season. While southern South Zone hunters may not have the absolute best days (which is debatable, depending on where you hunt), they can usually hunt all 60 days. Those in the northern part of the South Zone do not usually have that option.

The DNR performs a hunter survey every 2-4 years, with the next one scheduled to take place after the 2010-11 season (this coming spring). In most years, the DNR does a random survey of 5,000 hunters (about 1/3 of Indiana's resident waterfowl hunters). However, the next survey will go to every resident over 16 who hunts waterfowl in the state during the 2010-11 season. The last two hunter surveys have clearly indicated that a nine day early split best meets the preferences of South Zone hunters. Two days and 14 days were tied for first choice, with nine coming in second. Since nine days is in second place, and between the two preferred options, it seems clear that, in terms of hunter preferences, nine days is the logical choice for the early split in the South Zone.

While there are concerns from some southern South Zone hunters that the early split is too long, wood ducks are migrating in large numbers at this time, as are many other non-mallard dabbling ducks. Wood ducks are #2 in Indiana's total duck bag, and about 40% of our duck harvest is non-mallard. Also, the weather is milder during this time, which allows for a more comfortable youth hunting experience.

In the South Zone, 46% of duck hunters primarily hunt small still water (ponds and marshes), 69% hunt still water (including the previous category, plus lakes), 23% hunt rivers, and 8% hunt fields. Therefore, almost half of South Zone hunters stand to have their seasons shortened by freezing water; less than a third tend to benefit from freezing water (maybe even less, depending on how hard the freeze is and how high the rivers are).

Indiana now has goose hunting in much of the South Zone until 15 February, and in all of it until the tail end of January. Those who want to hunt waterfowl even later than our current duck season is to take advantage of our abundant Canada goose resource and extend their season by hunting Canada geese in February.

Most duck hunters tend to think locally. However, the DNR must recommend seasons on a larger scale, and take into consideration both what is best for the resource, and for each zone taken as a whole.

In summary, the South Zone dates are set based on duck migration and are designed to give the most hunters the most opportunity. The current season structure is in agreement with the results of the two most recent waterfowl hunter preference surveys. Hunting late into January is shooting at northbound ducks. Indiana's South Zone season is already later than most other zones at similar latitudes in the Mississippi Flyway, and may need to be moved earlier by a week, rather than later. Moving seasons later will function to reduce hunter opportunity through the vast majority of the South Zone.

- Deer damage control permits are not to extend past September 15 except when antler rubbing is the cause of damage or in necessary cases at the biologist's discretion.

- For corn and soybeans, deer damage control permits are issued during the growing season, not during the winter months. The removal of deer during the winter months may not help solve damage problems during the summer. This is because deer will group during the winter and redistribute during the spring and summer, and therefore any deer taken in the winter may not be present during the growing season to cause damage.

- Deer damage control permits are issued to remove deer that are causing damage to an actively growing crop. Population control at the local level is addressed through annual modifications to the county bonus antlerless deer quotas and the number of antlerless deer removed during the legal deer hunting seasons.

4. Review of all deer hunting seasons and bag limits and consideration of implementation of an earn-a-buck program. The DNR's proposals will be in the deer rule amendment package for preliminary adoption in July.

5. Consider allowing the use of crossbows during firearms season
This will be in the deer rule amendment package for preliminary adoption in July.